

REMARKS

I. Introduction

Claims 1-4, 6-9, and 11-22 are pending in this application. Claims 10 and 18-20 are cancelled, claims 1-4, 7-9, 11-17, and 21-22 have been amended, and claims 23-26 are new. Support for the claim amendments is found in the original specification at pages 9-12, at page 19, lines 10-15, and elsewhere throughout the specification, drawings and original claims.

The claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,666,215 to Fredlund et al. (hereinafter “Fredlund”) in view of U.S. Patent No. 5,924,870 to Brosh et al. (hereinafter “Brosh”). The applicants respectfully traverse the allegations and respond as follows. Withdrawal of the rejection and reconsideration is respectfully requested.

Submitted herewith is a Petition for a One Month Extension of Time under 37 C.F.R. §1.136(a) and the requisite fee under 37 C.F.R. §1.17(a). The applicant accordingly submits that the foregoing claim amendments should be entered for consideration by the examiner.

II. Rejection of Claims 1, 8, and 15 under §103(a)

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP § 2143.

Neither Fredlund nor Brosh teaches or suggests creating a themed final lenticular composite image by “combining... a lenticular composite interior image,... a lenticular composite foreground image,... and a lenticular composite background image” that are identified by a common “theme identifier” as recited in amended claims 1, 8, and 15. Instead, Fredlund discloses a system for facilitating ordering of prints from a photo finisher that transmits a display file of scanned images from which a customer may select desired images. Fredlund also discloses personalization of the images by “insertion of images in preprepared [sic] backgrounds... frames for the prints, [and] images bearing articles such as mugs, T-shirts, calendars...” (col. 7, lines 2-5) and composing the image with “creative art work” (col. 7, line 60) (emphasis added). Further, Brosh discloses a method for creating lenticular images that includes interlacing multiple masked images. (Col. 5, lines 5-44).

Neither “inserting” nor “composing” as disclosed by Fredlund or the preparation of a lenticular image by masking and interlacing, as disclosed by Brosh, is the same as creating a final lenticular composite image comprised of other lenticular images that are commonly identified by a received theme identifier. The difference is significant because the received theme identifier allows the creation of a themed final lenticular composite image that cannot result from any combination of Fredlund and Brosh. Merely “inserting” or “composing” a received digital image within a selected “image bearing article” as disclosed in Fredlund (col. 7, lines 2-5) and generating a lenticular image as disclosed in Brosh does not disclose the inventions recited in claims 1, 8, and 15.

Therefore, because neither Fredlund nor Brosh teaches or suggests the limitation creating a final lenticular composite image by “digitally combining... a lenticular composite interior image,... a lenticular composite foreground image,... and a lenticular composite background image that are identified by a common “theme identifier” as recited in amended claims 1, 8, and 15, the rejection is improper and should be withdrawn. Further, as claims 2-4, 6-7, 9, and 11-26 depend from an allowable claim, the rejections of these claims should be withdrawn, as well.

CONCLUSION

In light of the preceding remarks, withdrawal of the § 103(a) rejections relying on the disclosure of Fredlund in view of Brosh is requested. Applicants, therefore, believe that the present application including claims 1-4, 6-9, and 11-22 is in condition for allowance. Fees for the Petition for One Month Extension of Time and new claims 23-26 are submitted with this response. If any other fees are due, authorization is given to charge deposit account 13-2855. A duplicate copy of this paper is enclosed.

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Respectfully submitted,

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